

MONTANA LEGISLATIVE HISTORY

Chapter 202 1989

Bill H _____ S 140

Original bill & history ☒ C

H. Committee on Judiciary

Hearing Date(s) 2/28 ☒ C

~~3/1~~ _____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) 1/24 ☒ C

~~1/25~~ _____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

3/03 HEARING
 3/03 COMMITTEE REPORT--BILL CONCURRED
 3/04 2ND READING CONCURRED 74 5
 3/06 3RD READING CONCURRED 91 3

RETURNED TO SENATE
 3/13 SIGNED BY PRESIDENT
 3/14 SIGNED BY SPEAKER
 3/15 TRANSMITTED TO GOVERNOR
 3/18 SIGNED BY GOVERNOR
 CHAPTER NUMBER 130 EFFECTIVE DATE: 10/01/89

SB 136 INTRODUCED BY NATHE
 PROVIDE FOR TRANSFER OF A TENURE TEACHER BETWEEN
 TEACHING AND ADMINISTRATIVE POSITIONS

1/14 INTRODUCED
 1/14 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/16 FISCAL NOTE REQUESTED
 1/18 HEARING
 1/23 FISCAL NOTE RECEIVED
 1/23 FISCAL NOTE PRINTED
 1/30 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/01 2ND READING PASSED 36 13
 2/03 3RD READING PASSED 33 17

TRANSMITTED TO HOUSE
 2/21 REFERRED TO EDUCATION & CULTURAL RESOURCES
 3/03 HEARING
 3/07 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/09 REREFERRED TO EDUCATION & CULTURAL RESOURCES
 3/14 COMMITTEE REPORT--BILL NOT
 CONCURRED AS AMENDED
 3/15 ADVERSE COMMITTEE REPORT ADOPTED 52 45

SB 137 INTRODUCED BY NATHE
 ALLOW A CORPORATION TAX ELECTION ON CARRYFORWARDS
 AND CARRYBACKS

1/14 INTRODUCED
 1/14 REFERRED TO BUSINESS & INDUSTRY
 1/16 FISCAL NOTE REQUESTED
 1/19 HEARING
 1/20 FISCAL NOTE RECEIVED
 1/20 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/21 FISCAL NOTE PRINTED
 1/23 REREFERRED TO TAXATION
 1/25 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED
 1/27 2ND READING PASSED 49 0
 1/30 3RD READING PASSED 49 0

TRANSMITTED TO HOUSE
 2/21 REFERRED TO TAXATION
 3/29 HEARING
 3/31 COMMITTEE REPORT--BILL CONCURRED
 4/03 2ND READING CONCURRED 96 0
 4/04 3RD READING CONCURRED 96 0

RETURNED TO SENATE

SENATE FINAL STATUS

4/08 SIGNED BY PRESIDENT
 4/08 SIGNED BY SPEAKER
 4/10 TRANSMITTED TO GOVERNOR
 4/14 SIGNED BY GOVERNOR
 CHAPTER NUMBER 538 EFFECTIVE DATE: 4/14/89

SB 138 INTRODUCED BY BROWN, ROBERT, ET AL.
 REQUIRE LOAN AND CREDIT AGREEMENTS TO BE
 IN WRITING

1/14 INTRODUCED
 1/14 REFERRED TO BUSINESS & INDUSTRY
 1/19 HEARING
 1/20 COMMITTEE REPORT--BILL PASSED
 1/24 REREFERRED TO JUDICIARY
 1/27 HEARING
 2/08 HEARING
 2/09 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/11 2ND READING PASSED AS AMENDED 30 16
 2/14 3RD READING PASSED 33 14

TRANSMITTED TO HOUSE
 2/21 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
 3/13 HEARING
 3/13 TABLED IN COMMITTEE

SB 139 INTRODUCED BY HAGER
 CHANGE TO 24 MONTHS THE MAXIMUM TIME FOR
 REDEMPTION OF PROPERTY TAX LIEN ON
 CERTAIN SUBDIVIDED PROPERTY

1/14 INTRODUCED
 1/14 REFERRED TO TAXATION
 1/20 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/27 2ND READING PASSED 49 0
 1/30 3RD READING PASSED 49 0

TRANSMITTED TO HOUSE
 2/21 REFERRED TO TAXATION
 3/29 HEARING
 3/29 COMMITTEE REPORT--BILL CONCURRED
 4/05 2ND READING CONCURRED 95 2
 4/06 3RD READING CONCURRED 96 1

RETURNED TO SENATE
 4/13 SIGNED BY PRESIDENT
 4/17 SIGNED BY SPEAKER
 4/17 TRANSMITTED TO GOVERNOR
 4/18 SIGNED BY GOVERNOR
 CHAPTER NUMBER 564 EFFECTIVE DATE: 10/01/89

SB 140 INTRODUCED BY JERGSON, ET AL.
 MAKE POSSESSION OF P2P (PHENYLACETONE) PUNISHABLE
 AS PRECURSORS TO DANGEROUS DRUGS

1/16 INTRODUCED
 1/16 REFERRED TO JUDICIARY
 1/24 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED

SENATE FINAL STATUS

1/27 2ND READING PASSED 49 0
 1/30 3RD READING PASSED 49 0

 TRANSMITTED TO HOUSE
 2/21 REFERRED TO JUDICIARY
 2/28 HEARING
 3/01 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/04 2ND READING CONCURRED 81 0
 3/06 3RD READING CONCURRED 91 1

 RETURNED TO SENATE WITH AMENDMENTS
 3/08 2ND READING AMENDMENTS CONCURRED 49 0
 3/10 3RD READING AMENDMENTS CONCURRED 46 0

 3/15 SIGNED BY PRESIDENT
 3/15 SIGNED BY SPEAKER
 3/16 TRANSMITTED TO GOVERNOR
 3/21 SIGNED BY GOVERNOR
 CHAPTER NUMBER 202 EFFECTIVE DATE: 10/01/89

SB 141 INTRODUCED BY HARDING
EXTEND TIME FOR COUNTY CLERK TO FILE MONTHLY
FINANCIAL STATEMENT

1/16 INTRODUCED
 1/16 REFERRED TO LOCAL GOVERNMENT
 1/24 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/27 2ND READING PASSED 49 0
 1/30 3RD READING PASSED 49 0

 TRANSMITTED TO HOUSE
 2/21 REFERRED TO LOCAL GOVERNMENT
 3/02 HEARING
 3/03 COMMITTEE REPORT--BILL CONCURRED
 3/06 2ND READING CONCURRED 90 0
 3/07 3RD READING CONCURRED 90 1

 RETURNED TO SENATE
 3/13 SIGNED BY PRESIDENT
 3/14 SIGNED BY SPEAKER
 3/15 TRANSMITTED TO GOVERNOR
 3/20 SIGNED BY GOVERNOR
 CHAPTER NUMBER 168 EFFECTIVE DATE: 3/20/89

SB 142 INTRODUCED BY HARDING
CLARIFY LAW REGARDING COUNTY EXPENDITURES IN
EXCESS OF AMOUNT APPROPRIATED

1/16 INTRODUCED
 1/16 REFERRED TO LOCAL GOVERNMENT
 1/24 HEARING
 DIED IN COMMITTEE

SB 143 INTRODUCED BY MCLANE, ET AL.
REMOVE RESTRICTIONS ON USE OF CERTAIN DRUGS BY
OPTOMETRISTS

1/16 INTRODUCED
 1/16 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY

SENATE FINAL STATUS

1/30 HEARING
 2/06 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/08 2ND READING PASSED 25 23
 2/10 3RD READING PASSED 28 21

 TRANSMITTED TO HOUSE
 2/21 REFERRED TO HUMAN SERVICES & AGING
 3/06 HEARING
 3/15 TABLED IN COMMITTEE
 3/27 MOTION FAILED TO TAKE FROM COMMITTEE 49 42
 (MOTION REQUIRED THREE-FIFTHS VOTE OF
 APPROVAL IN ORDER TO PASS)
 DIED IN COMMITTEE

SB 144 INTRODUCED BY JENKINS, ET AL.
REVISE SYSTEM FOR DRAWING SPECIAL ELK PERMITS

1/16 INTRODUCED
 1/16 REFERRED TO FISH & GAME
 1/17 FISCAL NOTE REQUESTED
 1/23 FISCAL NOTE RECEIVED
 1/24 FISCAL NOTE PRINTED
 1/24 HEARING
 1/30 COMMITTEE REPORT--BILL NOT PASSED
 1/30 ADVERSE COMMITTEE REPORT ADOPTED 44 4

SB 145 INTRODUCED BY ECK, ET AL.
PROVIDE THAT VETERANS' OR SOCIAL SECURITY BENEFITS
NOT BE EXEMPTED FROM EXECUTION FOR CHILD
SUPPORT OR CHILD SUPPORT-RELATED MAINTENANCE

1/16 INTRODUCED
 1/16 REFERRED TO JUDICIARY
 1/25 HEARING
 2/01 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/03 2ND READING PASSED 50 0
 2/06 3RD READING PASSED 49 0

 TRANSMITTED TO HOUSE
 2/21 REFERRED TO JUDICIARY
 3/10 HEARING
 3/10 COMMITTEE REPORT--BILL CONCURRED
 3/11 2ND READING CONCURRED 89 0
 3/13 3RD READING CONCURRED 92 4

RETURNED TO SENATE
 3/16 SIGNED BY PRESIDENT
 3/16 SIGNED BY SPEAKER
 3/17 TRANSMITTED TO GOVERNOR
 3/22 SIGNED BY GOVERNOR
 CHAPTER NUMBER 240 EFFECTIVE DATE: 10/01/89

SB 146 INTRODUCED BY HAGER
AUTHORIZE DEPARTMENT OF FAMILY SERVICES TO CONTRACT
TO CONDUCT INVESTIGATIONS CONCERNING PARENTAL
ADOPTIVE PLACEMENTS AND TO CHARGE A FEE
BY REQUEST OF DEPARTMENT OF FAMILY SERVICES

1/16 INTRODUCED
 1/16 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY

SENATE BILL NO. 140

INTRODUCED BY JERGESON, MERCER, SPAETH, HARP

IN THE SENATE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 25, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1989	PRINTING REPORT.
JANUARY 27, 1989	SECOND READING, DO PASS.
JANUARY 28, 1989	ENGROSSING REPORT.
JANUARY 30, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 30, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 1, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 91; NOES, 1.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 8, 1989	RECEIVED FROM HOUSE.
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MARCH 8, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 10, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *140*
2 INTRODUCED BY *Jorgean Mace* *Sen. HART*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE POSSESSION
5 OF PHENYL-2-PROPANONE (PHENYLACETONE) PUNISHABLE AS CRIMINAL
6 POSSESSION OF PRECURSORS TO DANGEROUS DRUGS; AND AMENDING
7 SECTION 45-9-107, MCA."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 45-9-107, MCA, is amended to read:

11 "45-9-107. Criminal possession of precursors to
12 dangerous drugs. (1) A person commits the offense of
13 criminal possession of precursors to dangerous drugs if he
14 possesses:

15 (a) phenyl-2-propanone (phenylacetone);

16 (b) both phenyl-2-propanone (phenylacetone) and
17 formamide or hydroxylamine at the same time with the intent
18 to manufacture amphetamine;

19 (c) both phenyl-2-propanone (phenylacetone) and
20 methylamine or N-methylformamide at the same time with the
21 intent to manufacture methamphetamine;

22 (d) both piperidine and cyclohexanone at the same
23 time, or a combination product thereof, with the intent to
24 manufacture phencyclidine (PCP).

25 (2) A person convicted of criminal possession of

1 precursors to dangerous drugs shall be imprisoned in the
2 state prison for a term not less than 2 years or more than
3 20 years or be fined an amount not to exceed \$50,000, or
4 both."

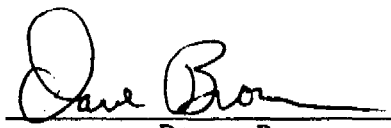
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STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
SENATE BILL 140 (third reading copy -- blue) be concurred in
as amended.

Signed: 
Dave Brown, Chairman

[TO BE SPONSORED BY REP. MERCER]

And, that such amendments read:

1. Page 1, lines 15 and 18.

Strike: ";" on each line

2. Page 1, lines 16 and 17.

Strike: "(b) both" on line 16 through "time" on line 17

3. Page 1, lines 19 through 21.

Strike: "(b) (c) both" on line 19 through "manufacture" on line
21

Insert: "or"

4. Page 1, line 21.

Following: "methamphetamine"

Insert: "or both"

Renumber: subsequent subsection

HOUSE

BILL STATUS SYSTEM
RPT S2

STATE OF MONTANA
MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
CURRENT STATUS OF ALL BILLS EVER REFERRED TO (S) JUDICIARY

PAGE NBR..... 30
TIME: 12:33
DATE: 05/02/89

CHAIRMAN--BRUCE CRIPPEN
SECRETARY--ROSEMARY JACOBY
NORMAL SCHEDULE==> SITE: ROOM 325

COMMITTEE--(S) JUDICIARY
DAYS: M,T,W,T,F TIME: 10:00 A.M.

OFFICE--ROOM 412

REFER	NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE
BILL ===== DATE === LATEST DATE/ACTION ON BILL =====	=====
SPONSOR: PINSONEAULT, DICK	TITLE-CLARIFY GOVERNOR'S AUTHORITY REGARDING DEATH SENTENCE
SB 107 01/13 04/15--(S) CHAPTER NUMBER SPONSOR: PINSONEAULT, DICK	EFFECTIVE DATE: 04/15/89 TITLE-CLARIFY EXECUTIVE CLEMENCY
SB 108 01/13 04/15--(S) CHAPTER NUMBER SPONSOR: PINSONEAULT, DICK	EFFECTIVE DATE: 04/15/89 TITLE-CLARIFY PROCEDURE FOR EXECUTION OF A DEATH SENTENCE
SB 112 01/13 04/24--(S) DIED IN COMMITTEE SPONSOR: MAZUREK, JOE	TITLE-UNIFORM FRAUDULENT TRANSFERS ACT
SB 116 01/13 03/13--(H) TABLED IN COMMITTEE SPONSOR: NORMAN, BILL	(H) APPROPRIATIONS TITLE-REVISE JUDICIAL BUDGET PROCEDURE
SB 122 01/13 03/24--(S) CHAPTER NUMBER SPONSOR: NATHE, DENNIS	EFFECTIVE DATE: 03/24/89 TITLE-REVISE CRIMINAL STATUTE LIMITATIONS CHILD SEX ABUSE
SB 131 01/14 03/23--(S) CHAPTER NUMBER SPONSOR: MAZUREK, JOE	EFFECTIVE DATE: 10/01/89 TITLE-UNIFORM STATUTORY RULE AGAINST PERPETUITIES
SB 134 01/26 04/21--(S) CHAPTER NUMBER SPONSOR: MANNING, DICK	EFFECTIVE DATE: 04/21/89 TITLE-PROVIDE GREATER FINANCIAL INCENTIVES TO GA RECIPIENTS TO OBTAIN EMPLOYMENT
SB 135 01/14 03/18--(S) CHAPTER NUMBER SPONSOR: HALLIGAN, MIKE	EFFECTIVE DATE: 10/01/89 TITLE-CLARIFY TOOLS OF TRADE EXEMPTION
SB 138 01/24 03/13--(H) TABLED IN COMMITTEE SPONSOR: BROWN, ROBERT	(H) BUSINESS & LABOR TITLE-LOAN AND CREDIT CONTRACTS TO BE IN WRITING
SB 140 01/16 03/21--(S) CHAPTER NUMBER SPONSOR: JERGESSON, GREG	EFFECTIVE DATE: 10/01/89 TITLE-POSSESSION OF P2P PUNISHABLE AS PRECURSORS TO DANGEROUS DRUGS
SB 145 01/16 03/22--(S) CHAPTER NUMBER SPONSOR: ECK, DOROTHY	EFFECTIVE DATE: 10/01/89 TITLE-VETERANS, SOC. SEC. BENEFITS NOT EXEMPT FROM EXECUTION FOR CHILD SUPPORT
SB 155 01/16 04/24--TABLED IN COMMITTEE SPONSOR: CRIPPEN, BRUCE	TITLE-RAISE AND INDEX CERTAIN JUDICIAL SALARIES SA-- 1/11/89
SB 157 01/17 03/20--(S) CHAPTER NUMBER SPONSOR: NATHE, DENNIS	EFFECTIVE DATE: 10/01/89 TITLE-REVISE CIVIL STATUTE LIMITATIONS CHILD SEX ABUSE
SB 164 01/17 03/20--(H) SPECIAL ACTION SPONSOR: RASMUSSEN, TOM	MOTION FAILED TO TAKE FROM COMMITTEE TITLE-REQUIRING MINOR TO NOTIFY PARENTS PRIOR TO OBTAINING ABORTION
SB 170 01/17 03/15--(S) CHAPTER NUMBER SPONSOR: JERGESSON, GREG	EFFECTIVE DATE: 10/01/89 TITLE-ALLOW DANGEROUS OFFENDER DESIGNATION ON REVOCATION OF PROBATION
SB 172 01/18 02/01--(S) ADVERSE COM RPT ADOPTED SPONSOR: PINSONEAULT, DICK	(S) JUDICIARY TITLE-SEXUAL SOLICITATION IN EXCHANGE FOR OR IN ADDITION TO FEES
SB 177 01/18 03/16--(S) CHAPTER NUMBER SPONSOR: YELLOWTAIL JR., WILLIAM	EFFECTIVE DATE: 10/01/89 TITLE-COMPEL PATERNITY BLOOD TESTS ADMINISTRATIVELY
SB 180 01/18 03/08--(H) TABLED IN COMMITTEE SPONSOR: MAZUREK, JOE	(H) JUDICIARY TITLE-UNIFORM CUSTODIAL TRUST ACT

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on January 24, 1989, at 10:00 a.m. in Room 325 at the State Capitol.

ROLL CALL

Members Present: Sen. Bruce Crippen, Vice Chairman Al Bishop, Senators Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, John Harp, and Bill Yellowtail.

Members Excused: Sen. R. J. "Dick" Pinsoneault

Members Absent: Sen. Pinsoneault

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: None

HEARING ON SENATE BILL 105

Presentation and Opening Statement by Sponsor: Senator Joe Mazurek of Helena, representing District 23 stated that the bill was requested by the Selective Service system requiring the Department of Justice to provide them with a list of licensed drivers. The country no longer has a draft, he stated, but does require that youths register with the Selective Service within 30 days of their 18th birthday. For those who don't register, the penalties are very significant. They can be sentenced to prison for up to five years and pay a fine of up to \$250,000, said Senator Mazurek. They can never hold a job with a federal agency, including summer jobs, nor can they ever receive federal financial assistance of any kind -- PEL grants, student loans, financial assistance, benefits in the Job Training partnership act, he told the committee. He urged passage of the bill as it would be good for both youths required to register and for the Selective Service.

all done by computer, and that it would be programmed to include only the name, address and date of birth. It wouldn't include the drivers license number or social security number, he said.

Sen. Jenkins asked Mr. Gillespie why the social security number was excluded. Mr. Gillespie stated that in the last two sessions they brought a similar bill forward which did not include the prohibition on the social security numbers. It was opposed for that reason, he said. The Selective Service system did a cross-match with the social security system, he told the committee, in order to pick up a substantial number of names (approximately 100,000 per year) that had escaped detection. Many people do not have Social Security numbers, yet they drive. This, he said, is the reason for using the drivers license list to supplement the cross-match with Social Security numbers.

Closing by Sponsor: Sen. Mazurek stated the selective service will pay any costs connected with this proposal and urged passage of the bill. He closed the hearing.

DISPOSITION OF SENATE BILL 105

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Halligan MOVED that Senate Bill 105 DO PASS. The MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 140

Presentation and Opening Statement by Sponsor: Sen. Jergeson of Chinook, representing District 8, stated that his bill proposed to include the possession of phenyl-2-propanone on the list of dangerous drugs. It takes two precursors to make "speed", he said, of which P-2-P is one. In most drugs, he told the committee, any of the precursors conceivably could be used to produce something other than illegal drugs. As I understand it, phenyl-2-propanone is used only to make speed. He felt it would be appropriate to have this precursor be named as a dangerous drug.

List of Testifying Proponents and What Group they Represent:
John Connor, Department of Justice, County Prosecutor
Services Bureau, representing the Montana County
Attorney's Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Connor stated that this bill was introduced at the request of the Montana County Attorney's Association. The bill, he said attempts to address an increasingly serious problem in Montana with the production of speed. The drug is clandestinely manufactured in laboratories that are set up "from bedrooms to garages to warehouses," said Mr. Connor. He said he had spoken to the DEA in Montana and the Criminal Investigation Bureau regarding the problem. In addition, he had prosecuted approximately 50 drug cases since beginning in Prosecutor Services a year ago last October. The number of these labs is increasing in Montana at an alarming rate, he told the committee. The chemicals used in this process are very toxic, flammable and potentially explosive, depending on what manufacturing process is actually used, he said. One of the most common methods is to use P-2-P in conjunction with other substances to produce "speed," Conner said. When one of these labs is discovered, and it is often discovered by accident, only residue in glassware that may have been used in the production of the substance is generally found. This is almost always P-2-P residue. There are legitimate uses of P-2-P, he said. The air force uses it to de-ice the wings of planes. He added that there are exceptions in the law that providing for possession of the substance, if one has a legitimate reason to possess it.

This bill would have been of value to enforcement about 18 months ago in Missoula, he said. Someone was "busted" who was in the process of putting together a P-2-P lab in a school bus. There was several thousand dollars worth of glassware found in this school bus, much of which had P-2-P residue on it. The person who had been operating the school bus had been involved in this on the East Coast. Another example from the Drug Enforcement Administration was the group of people who were "busted" in Oregon with two tractor-trailer operations that were loaded with chemicals they intended bringing into Montana to produce methamphetamine. They were coming to Montana because enforcement was getting "too much" in Washington and Oregon, and Montana looked like a likely operation.

This bill would give enforcement an opportunity to charge properly those people who were involved with large scale drug manufacturing operations, he said.

Questions From Committee Members: None

Closing by Sponsor: Sen. Jergeson thanked the committee for hearing the bill.

DISPOSITION OF SENATE BILL 140

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Mazurek MOVED that Senate Bill 140 DO PASS. The MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 170

Presentation and Opening Statement by Sponsor: Sen. Jergeson of Chinook, representing District #8, stated that the bill was introduced at the request of the Montana County Attorneys' Association. He said the bill provided that a dangerous offender designation could be made at the time of parole violation, rather than at the time of sentencing. He added that there were some problems in the drafting of the bill and he had prepared some amendments. (See Exhibit #2.)

List of Testifying Proponents and What Group they Represent:

John Connor, Department of Justice, representing the Montana County Attorney's Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Connor explained that this bill was also requested to address a problem that occurred with respect to the statutes in criminal offenses. He said that MCA 46-23-201 provided that a person may not be paroled until he has served one half of his time, unless he is designated a non-dangerous offender. Then, he is eligible for parole when he has served one quarter of

STATUS SHEET

51 LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SB 84	2-21	3-3	3-7							3-7	
SB 103	2-21	2-28	TABLED ON 2-28								
SB 105	2-21	3-9	3-14							3-14	
SB 106	2-21	3-14	3-14							3-14	
SB 107	2-21	3-14	3-14							3-14	
SB 108	2-21	3-14	3-14							3-14	
SB 113	2-21	3-13	3-13							3-13	
SB 120	2-21	3-3	3-3					3-3			
SB 122	2-21	3-6	3-6							3-6	
SB 131	2-21	3-8	3-8					3-8			
SB 135	2-21	3-3	3-3					3-3			
SB 140	2-21	2-28	2-28							2-28	
SB 145	2-21	3-10	3-10					3-10			
SB 157	2-21	3-6	3-6					3-6			

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Brown, on February 28, 1989, at 8:00 a.m.

ROLL CALL

Members Present: All members were present with the following exceptions:

Members Excused: Rep. Daily and Rep. Hannah.

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: Rep. Brown announced the committee would hear SB 204, SB 23, SB 103, SB 140, SB 170 and then take executive action.

HEARING ON SENATE BILL 204

Presentation and Opening Statement by Sponsor:

Sen. Norman opened the hearing saying this bill relates to organ transplants and the Anatomical Gift Act. The bill is primarily a revision of law. The new law is necessitated because we have to adjust the concepts and the laws to the changing realities of modern technology. There is a uniform code commission. It functions in child custody, divorce, inheritance and other matters that are spread among the states. There's different language and concepts in the various state statutes. The uniform code commission was established to bring uniformity to these so that if a child custody case or anatomical gift case were considered in one state and the parties to litigation were in another state or scattered among states, the states would be better able to deal with the problem. This uniform code applies to the Anatomical Gift Act. There are many doctors and lawyers involved in this bill and understandably so. The doctors are interested in attending to the health and welfare of people with organ transplants and the lawyers find some difficulty with this because of privacy rights and individual rights. There isn't any great controversy but it requires some understanding. There are three coordinators in Montana; Great Falls, Missoula and Billings. When an organ may be available, one of these coordinators is summoned and a team is gathered with the idea of obtaining

HEARING ON SENATE BILL 140

Presentation and Opening Statement by Sponsor:

Sen. Jergeson opened the hearing saying that SB 140 would provide that P2P would be considered a drug precursor on its own without having to be a precursor held at the same time as another precursor. Currently P2P is a controlled substance. This would increase the penalty for possession of P2P.

Testifying Proponents and Who They Represent:

John Connor, Department of Justice, Montana County Attorneys Association

Proponent Testimony:

John Connor said this bill was introduced at the request of the County Attorneys Association to address an increasingly serious problem with the manufacture of methamphetamine in the state.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

Rep. Boharski said there seems to be an inconsistency with this bill. He asked why, under all the other sections, are there "with the intent to manufacture" and in this bill it's not included? Sen. Jacobson said the other substances listed in that statute are not controlled substances in and of themselves so possession of those substances is not illegal.

Rep. Addy said you make it illegal to possess P2P and then you make it illegal to possess it in combination with two other drugs. If it's illegal to possess P2P, isn't it redundant to say it's illegal to possess P2P in combination with another substance? John Connor said that is true.

Closing by Sponsor: Sen. Jergeson closed.

DISPOSITION OF SENATE BILL 140

Motion: Rep. Addy moved SB 140 BE CONCURRED IN. Rep. Gould seconded the motion.

Amendments, Discussion, and Votes: Rep. Addy moved to amend so that instead of a, b, and c under 1, 1 would just read "a person commits the offense of criminal possession if he possesses P2P with the intent to manufacture amphetamines or methamphetamines". Rep. Gould seconded the motion.

Rep. Mercer moved to keep sub a "P2P with the intent to manufacture either amphetamines or methamphetamines or both" then have; or and turn d into b. Rep. Addy said he would agree and accepted Rep. Mercer's motion to amend. Rep. Gould seconded the motion.

The motion to amend CARRIED unanimously.

Recommendation and Vote: Rep. Addy moved SB 140 BE CONCURRED IN AS AMENDED, motion seconded by Rep. Gould. Motion CARRIED unanimously.

HEARING ON SENATE BILL 170

Presentation and Opening Statement by Sponsor:

Sen. Jergeson opened the hearing stating that a judge is allowed to designate an offender as dangerous or non dangerous upon conviction if the person is being sentenced to serve time in prison. However, if the defendant is not sentenced to serve time but is given probation or some other kind of sentence, there is no designation of whether or not that person is dangerous or non dangerous. Occasionally law enforcement has found later, while the person is serving the probationary period, the person does something which causes consideration of sending the offender on to prison. The judge is not allowed to declare the offender as dangerous or non dangerous at that time. So, the assumption is that the offender is non dangerous. SB 170 provides an opportunity for the judge to weigh the issues and determine at the time the probation is revoked, whether or not the person should be declared a dangerous offender.

Testifying Proponents and Who They Represent:

John Connor, Department of Justice

Proponent Testimony:

John Connor told the committee this bill was requested to deal with a problem in terms of determination of parole eligibility. Section 46-23-201 provides that a person cannot be paroled until he has served one half of his time less good time. The statute also says if a person is designated as a non dangerous offender he is eligible for parole after serving one fourth of his time. The court has to make a determination at the time the defendant is sentenced, then, as to whether or not he is dangerous or non dangerous. If there is no designation made, according to

JUDICIARY

COMMITTEE

DATE FEB. 28, 1989

SPONSOR SENATOR JERGESON

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

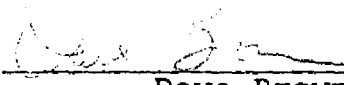
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
SENATE BILL 140 (third reading copy -- blue) be concurred in
as amended.

Signed: 
Dave Brown, Chairman

[TO BE SPONSORED BY REP. MERCER]

And, that such amendments read:

1. Page 1, lines 15 and 18.

Strike: "i" on each line

2. Page 1, lines 16 and 17.

Strike: "(b) both" on line 16 through "time" on line 17

3. Page 1, lines 19 through 21.

Strike: "~~(b)~~ (c) both" on line 19 through "manufacture" on line
21

Insert: "or"

4. Page 1, line 21.

Following: "methamphetamine"

Insert: "or both"

Renumber: subsequent subsection

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEBRUARY 28, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY			X
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH			X
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		